

*Justice Rep Badillo*

September 9, 1975 CONGRESSIONAL RECORD—Extensions of Remarks

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promise), may be deducted from any sums owed by the United States to the person charged. All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) A person is guilty of an offense if he willfully violates a provision of this Act or rule or order under this Act. Upon conviction, such person shall be subject, for each offense, to a fine of not more than \$25,000, imprisonment for a term not to exceed five years, or both.

## ENFORCEMENT

SEC. 10. (a) The Attorney General, at the request of the Commission, the Administrator, or the Secretary (as the case may be), may bring an action for equitable relief to redress a violation by any person of a provision of this Act, or a rule or order under this Act. Any other person may bring a civil action alleging a violation of a provision of this Act or rule or order under this Act.

(b) The district courts of the United States shall have jurisdiction with respect to any civil action brought under subsection (a). The court shall have the power to grant such equitable relief as is necessary to prevent, restrain, or remedy the effect of such violation, including declaratory judgment, mandatory or prohibitive injunctive relief, and interim equitable relief, and the courts shall further have the power to award (A) compensatory damages to any injured person or class of persons, (B) costs of litigation including reasonable attorney and expert witness fees, and (C) whenever and to the extent deemed necessary or appropriate to defer future violations, punitive damages.

(c) A rule or order prescribed under this Act is subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, except that (A) the second sentence of section 705 thereof is not applicable, and (B) the appropriate court shall only hold unlawful and set aside such a rule or order on a ground specified in subparagraphs (A), (B), (C), or (D) of section 706(2) thereof.

## RULEMAKING

SEC. 11. The Commission, the Administrator or the Secretary, in addition to the authorities specifically granted herein, shall have authority to issue rules and order applicable to any person which the Commission, the Administrator or the Secretary (as the case may be) determines are necessary or appropriate to carry out the purposes of this Act.

## EXPIRATION

SEC. 12. Sections 4 (except subsection (g) thereof), 5, 6, 7, 8, and 11 of this Act shall expire on midnight June 30, 1976.

### PROVIDING FOR THE ESTABLISHMENT OF AN AMERICAN FOLK-LIFE CENTER IN THE LIBRARY OF CONGRESS, AND FOR OTHER PURPOSES—III

## SPEECH OF

**HON. LUCIEN N. NEDZI**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 8, 1975*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6873) to provide for the establishment of an American Folk-Life Center in the Library of Congress, and for other purposes.

Mr. NEDZI. Mr. Chairman, I oppose the amendment for the same reasons as the first amendment.

Mr. Chairman, I ask for a vote.

## TO CONTROL OR NOT TO CONTROL

**HON. CLARENCE J. BROWN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 1975*

Mr. BROWN of Ohio. Mr. Speaker, it is time for the Congress to decide what it wants to do on energy policy. Months of indecision have taken us beyond a simple failure to solve a problem. Now we are actually making it worse. The entire oil industry is in turmoil because the 94th Congress can not decide what rules that industry must follow.

In a recent editorial, the Wall Street Journal assessed the impact of the congressional inaction and noted several facts which tend to indicate decontrol would not be the disaster the doomsayers would have us believe. In the hope that it may help to nudge my colleagues off dead center on energy, I insert the editorial to be reprinted here:

## AN INTRAMURAL IN-OIL

Price controls on oil officially died on September 1, but their fingernails continue to grow. Arguing that it still hasn't finished up work on July and August, the Federal Energy Administration is still running the "entitlement" program, which amounts to requiring crude-rich oil companies to pay piles of money to crude-poor companies so everyone is even. And with the argument that it probably didn't find all the violations that occurred under controls, FEA wants to expand its bureaucracy of snoopers to 2,200 from about half that.

Worse than that, the industry is still menaced by the prospect of a retroactive resumption of controls, an example of an *ex post facto* law that probably has our forefathers twitching in their tombs on this eve of the American Bicentennial. Government control of today's prices is bad enough. Government control of yesterday's prices is not even a practice of the Soviet Union.

Covering under the threat, the refineries are paying for their domestic crude oil with what amounts to a blank check. If Congress next week overrides President Ford's prospective veto of the bill extending price controls on oil for six months, the refineries will fill in the blanks at the controlled price of \$5.25 a barrel for old oil. If the veto is sustained, the blanks will be filled in at the going market price, with those refineries who have not raised retail prices being stuck with the difference. They can hardly expect to go to their customers and ask for extra cash to pay for the incompetence of the 94th Congress, for at the end of that line is the American consumer, who does not pay with blank checks.

That these gentlemen's agreements between suppliers and refiners haven't come flying apart, with prices jacked up at retail the moment controls came off, is further evidence to us that FEA has not been controlling prices at retail. The market has. All the mountain of FEA regulations has accomplished has been to reduce the efficiency of the oil industry and the U.S. economy, redistribute wealth within the oil industry, and discourage holders of controlled crude from selling it. The controls have been a boon to the OPEC oil cartel for, however you slice it, an end to controls will mean more domestic supplies of crude and less need to import the cartel oil.

If, as the Democrats in Congress are now confidently predicting, the President's veto is not sustained, it will only be the result of unreasoning panic among the President's supporters. The idea has been successfully

peddled that decontrol will mean a leap in retail product prices and a "shock" to the economy that will mean more inflation and more unemployment. No peddler of this idea, though, is willing to tell us why the oil industry did not long ago raise prices at retail as rapidly as FEA regulations allowed. The "banked costs" or price increases allowed by FEA but barred by the market, totaled \$1.5 billion as controls ended.

The contradictions in the arguments of the oil controllers are best exemplified by the full-page advertisements taken in this newspaper and others by the independent refiners, in which they reprint an article by Joseph Kraft, the syndicated columnist. Mr. Kraft declaims against the "oil lobby," by which he means those oil companies that are being forced by the government to give away free oil to their competitors, not the oil lobby that reprints his column. In the same breath, Mr. Kraft argues that consumer prices will go up and that the independents will be "clobbered" by their competitors. Yet if consumer prices do leap up, the independents will be able to maintain their profit margins, which hardly amounts to a clobbering.

It can't go both ways. Either prices will go up and the independents will continue to do handsomely, or prices will be held steady by market competition and the independents will be squeezed. The fact that the independent oil lobby, which must in this case include crude-poor Mobile Oil Corp., is screaming for continuing control is further indication that it expects product prices will not rise.

If President Ford can find a few courageous Senators willing to join those 25 or so stalwarts in order to sustain his veto, the fraud will have been exposed. The American consumer will benefit by decontrol. Prices at retail won't shoot up and shock the economy. New domestic supplies of crude will be forthcoming and OPEC will no longer enjoy this back-door subsidy. The only parties that will be roughed up are those engaged in this intramural oil industry battle who will no longer enjoy free gifts from the government.

### PUERTO RICAN PRISONERS IN THE DOMINICAN REPUBLIC

**HON. HERMAN BADILLO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 1975*

Mr. BADILLO. Mr. Speaker, last Thursday, I released the texts of letters I have sent, along with a group of my colleagues, to Secretary of State Henry Kissinger, Attorney General Edward Levi and Representative Orrin Pike in regard to the unconscionable treatment of three U.S. citizens, Puerto Rican nationals, by the Government of the Dominican Republic. There has been very little notice of this grave miscarriage of justice by the American press, and still less acknowledgment by the Government. I would, therefore, like to submit the text of the statement I issued at the time the letters were sent, and the texts of the letters themselves.

The Members who joined with me in signing the letters to Secretary of State Kissinger and Attorney General Levi are Representatives BELLA ANZUG, SHIRLEY CHISHOLM, ROBERT DRINAN, MICHAEL HARRINGTON, HELEN MEYNER, ROBERT N. C. NIX, JAMES OBERSTAR, CHARLES RANGEL, and G. WILLIAM WHITEHURST.

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The Members who joined with me in signing the letter to Representative PIKE include Representatives, SHIRLEY CHISHOLM, ROBERT DRINAN, MICHAEL HARRINGTON, HELEN MEYNER, PARREN MITCHELL, ROBERT N. C. NIX, CHARLES RANGEL, and G. WILLIAM WHITEHURST.

STATEMENT BY REPRESENTATIVE HERMAN BADILLO, SEPTEMBER 4, 1975

Three Puerto Rican nationals, U.S. citizens, are being used by the CIA-linked Balaguer regime as an instrument for the repression of political dissidents within the Dominican Republic, and the United States is standing idly by while three of its citizens are illegally victimized.

The background is this: On June 1, Angel Gandia, Johnney Sampson and Raul Garcia were in a fishing boat that ran out of gas off the coast of the Dominican Republic. The three were arrested and held incommunicado for twenty days. Yet, it is reported that within hours of their capture, representatives of the F.B.I. had informed the owner of the boat, in San Juan, that his boat had been taken. Within days, the presence of these "outside agitators" was used, because they are members of the Puerto Rican Socialist Party, as an excuse to begin a round-up of 400 to 500 Dominican dissidents. And yet a group of Americans and Puerto Ricans, including a Puerto Rican Assistant Secretary of State, who attempted to see the prisoners during this time were refused permission to do so. While the Dominican Republic, they were told by a high functionary at the American Embassy that the three were being held by the Dominican Air Force, but when presented with this information the U.S. Department of State, officially denied any knowledge of the case and refused to intervene. During the period they were being held without charges being brought against them, they were tortured and forced to sign a confession.

The first public acknowledgement that the men were being held came on June 23 at a press conference, where the confession was read, and the men were not allowed to answer reporters' questions. That same day, Angel Gandia suffered a severe heart attack and was left to suffer without medical attention for three days.

When David Scribner, attorney for one of the defendants returned to the Dominican Republic, he was detained by the police at the airport for several hours and questioned about his activities. The trial, on July 30th, was witnessed by a team of American and Puerto Rican legal observers, including New York Criminal Court Judge John Carro, Hal Mayerson, a New York attorney who is present this morning to answer any further questions you may have, and a representative of the Puerto Rican Bar Association. They agreed that the trial was a travesty. The charge brought was "attempting to overthrow the government," but the only evidence presented was the prisoner's repudiated confession. The courtroom was an armed camp, the judge was a former Air Force officer appointed by Balaguer, and the entire trial and conviction took four hours—and the men have been sentenced to 30 years at hard labor.

The case is now being appealed, but the United States government has been idly standing by. President Balaguer has it legally within his power to sign a deportation order for these men, but he shows no indication of doing so. It seems to us that, considering the close links between the Dominican Republic and the United States government, that if Secretary of State Kissinger were to make the proper representations to President Balaguer we would quickly see these American citizens returned to their homes. And so we are sending a letter to the Secre-

tary of State requesting that he do so immediately.

At the same time, we are writing to Attorney General Levi to request an investigation of the possible involvement of the F.B.I. in the matter, with particular emphasis on the question of the Bureau's seeming participation in foreign intelligence operations. It seems odd, to say the least, the speed with which the Bureau in San Juan knew what was happening in the Dominican Republic.

Finally, we are requesting that Congressman Pike, Chairman of the Select Committee on Intelligence, investigate what role the Central Intelligence Agency has played in this matter. It would be extremely unlikely that the CIA was not aware of each step in this gross miscarriage of justice.

If three Americans had been taken captive by any country where these close links did not exist, the hue and cry would have been heard around the world, as it has been in the past. I question our government's inaction, despite pressure from many quarters, and I now urge it to act quickly to restore some semblance of even-handedness to the treatment of these unjustly imprisoned citizens.

TEXT OF LETTER TO SECRETARY OF STATE HENRY KISSINGER

DEAR MR. SECRETARY: We are writing to express our concern for the fate of Angel Gandia, Johnney Sampson and Raul Garcia, three Puerto Rican nationals who were sentenced to 30 years at hard labor by a court in the Dominican Republic nearly one month ago, on July 31st. Yet, to the best of our knowledge, the United States has not yet publicly declared its intention to see that its citizens receive the protection of their government and are returned as soon as possible to Puerto Rico.

As you are aware, the history of their confinement, trial and imprisonment is antithetical to all precepts of American justice. The three prisoners were tortured while being held incommunicado for twenty days without charges being brought against them, lawyers were refused interviews with the prisoners, and were themselves subjected to intense harassment, one of the defendants was refused medical treatment for three days after suffering a serious heart attack, and the trial, according to American and Puerto Rican observers, was a travesty, where the only evidence presented was the defendants' own forced confession. And now, President Balaguer has not indicated any intention of signing an order to deport these men, even though it is within his power to do so.

We are therefore urging that the United States government make appropriate—and immediate—representations to the government of the Dominican Republic in order to end the illegal treatment of these American citizens.

Thank you for your prompt attention to this critical matter.

Sincerely,

HERMAN BADILLO, M.C.

TEXT OF LETTER TO ATTORNEY GENERAL EDWARD LEVI

DEAR MR. ATTORNEY GENERAL: We are writing to express our deep concern about the possible involvement of the Federal Bureau of Investigation in the case of Angel Gandia, Johnney Sampson, and Raul Garcia, the three Puerto Rican nationals who were sentenced to 30 years at hard labor in the Dominican Republic nearly one month ago, on July 31st.

On June 1, these three American citizens were arrested when their fishing vessel ran out of gas off the coast of the Dominican Republic, and they were held incommunicado for twenty days before their lawyers were allowed to see them. Yet, it has been reported that, within hours of their capture,

the owner of the boat, in Puerto Rico, was informed by representatives of the F.B.I. that the boat had been taken and its occupants arrested.

We are therefore requesting that the Department of Justice immediately take steps to investigate the role of the F.B.I. in this affair, with particular attention to what seems to be the agency's involvement in foreign intelligence.

Sincerely,

HERMAN BADILLO, M.C.

TEXT OF LETTER TO CONGRESSMAN OTIS PIKE

DEAR CONGRESSMAN PIKE: We are writing to express our concern over the total inaction of the Department of State and other official government channels in the case of Angel Gandia, Johnney Sampson and Raul Garcia, the three Puerto Rican nationals who were recently sentenced to 30 years at hard labor after a "kangaroo" trial in the Dominican Republic.

It is inconceivable to us that these three men were allowed to be held incommunicado for 20 days without charges being brought, that they were tortured, that they were denied counsel until the day before the trial, and that they have not yet been returned to Puerto Rico, although it is within the power of President Balaguer to sign a deportation order.

Given the close links between the Balaguer regime in the Dominican Republic and the Central Intelligence Agency, it is difficult to believe that the CIA has not played some role in this gross miscarriage of justice. We are therefore requesting that you, as Chairman of the House Select Committee on Intelligence, immediately initiate an investigation into the part the CIA has taken in these events.

Thank you very much.

Sincerely,

HERMAN BADILLO, M.C.

THE NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS HONORS MASSACHUSETTS STUDENT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 1975

Mr. O'NEILL. Mr. Speaker, for the sixth year in a row, the National Society of Public Accountants—a professional membership organization representing independent accountants primarily serving a small-business clientele—has awarded a number of scholarships to deserving students who are pursuing accounting studies. Each year NSPA grants a Distinguished Scholar Award to an outstanding recipient. This year, that award has gone to a Boston, Mass., resident, Jerrold J. Stern, a student at Northeastern University in Boston.

This commitment to the future of the accounting profession is one of the most important contributions made by the National Society of Public Accountants through the NSPA Scholarship Foundation.

One hundred and nineteen scholarships have been awarded over the course of this program. The support for this activity comes principally from the individual NSPA membership—some 15,000 practicing accountants—throughout the country.

I commend the National Society of